

Remarks/Arguments

Claims 24-28 and 53-54 are canceled without prejudice. Claims 7 and 23 are amended to promote clarity. New claim 55 is added. Support for new claim 55 can be found, e.g., at page 19, Table 2 of the specification. No new matter is introduced.

Claims 6-7, 10-11, 17-23, 29-34, 36-49, 51-52, and 55 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Form PTO-1449 having an OIPE date of February 3, 2003

Applicant thanks the Examiner for her explanation of Form PTO-1449 having an OIPE date of February 3, 2003 and missing in the USPTO file. Applicant attaches to this amendment a copy of the missing form for the USPTO record. Applicant understands that references C1-6 and C8 listed on the form have been considered by the Examiner.

New Grounds of Rejection

1. Claim 23 is objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Although Applicant respectfully disagrees with the Examiner, for the sole purpose of moving this application forward, Applicant has deleted the word "has" from claim 23. Applicant respectfully submits that the objection has been overcome and should be withdrawn.

2. Claims 7 and 54 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees. However, to expedite the prosecution of the application, Applicant has deleted the word "has" from claim 7 and canceled claim 54. Applicant respectfully submits that the rejection has been overcome and should be withdrawn.

3. Claim 54 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As mentioned above, claim 54 has been canceled without prejudice, rendering this rejection moot. Withdrawal of the rejection is thus respectfully requested.

4. Claim 53 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As mentioned above, claim 53 has been canceled without prejudice, rendering this rejection moot. Withdrawal of the rejection is thus respectfully requested.

5. Claim 7 is rejected under 35 U.S.C. § 102(e), as being anticipated by Hammerstedt et al. (U.S. Patent No. 5,910,568; "Hammerstedt"). Applicant respectfully traverse.

Claim 7, as amended, is directed to an isolated polypeptide consisting of an amino acid sequence which is a part of SEQ ID NO:2. The polypeptide begins with amino acids 2-6 (DVCQD) of SEQ ID NO:2 or amino acids 1-6 (Gly-DVCQD) of SEQ ID NO:2. Further, the polypeptide has antiangiogenic activity and is between 5 and 80 amino acids in length.

Hammerstedt discloses a number of polypeptides containing the sequence of DVCQD. See, e.g., Hammerstedt, columns 13-21, Sequence Listing. More specifically, SEQ ID NO:4 in Hammerstedt is a 15-amino acid sequence, starting with 7 amino acids followed by a Glu, DVCQD, and another 2 amino acids. SEQ ID NO:5 in Hammerstedt is a 19-amino acid sequence, starting with 6 amino acids followed by a Glu, DVCQD, and another 7 amino acids. SEQ ID NO:14 in Hammerstedt is a 79-amino acid sequence, starting with 65 amino acids followed by a Glu, DVCQD, and another 8 amino acids. SEQ ID NO:15 in Hammerstedt is an 80-amino acid sequence, starting with 66 amino acids followed by a Gly, DVCQD, and another 8 amino acids. None of these polypeptides is a part of SEQ ID NO:2 of the present application which begins with either Gly-DVCQD or DVCQD. Therefore, Hammerstedt does not anticipate claim 7, and the rejection should be withdrawn.

CONCLUSION

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action. Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned agent at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 31, 2006

By: _____


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LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT(S)' INFORMATION DISCLOSURE
STATEMENT

(Use several sheets if necessary)



ATTY. DOCKET NO.

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SERIAL NO.

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INVENTOR

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TECH CENTER 1600/290

FILING DATE

April 23, 2001

GROUP ART UNIT

1642

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing Date If Appropriate
ALH	*A1	5,696,080	December 9, 1997	O'Brien et al.			
	A2						
	A3						

FOREIGN PATENT DOCUMENTS

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLAT'N	
							yes	no
ALH	*B1	95/03821	February 9, 1995	WO				
	B2							
	B3							
	B4							
	B5							

OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)

*C1	Collard, Michael W. et al., "Biosynthesis and Molecular Cloning of Sulfated Glycoprotein 1 Secreted by Rat Sertoli Cells: Sequence Similarity with the 70 KiloDalton Precursor to Sulfatide/G _{M1} Activator," (1988) <i>Biochemistry</i> , 27:4557-4564.
*C2	Genbank Accession No.: AAA 60303 Prosaposin
*C23	Hiraiwa, Masao et al., "The Effect of Carbohydrate Removal on Stability and Activity of Saposin B ¹ ," (1993) <i>Arch. Biochem. Biophys.</i> 303:326.
*C4	Kase, Ryoichi et al. "Only sphingolipid activator protein B(SAP-B or saposin B) stimulates the degradation of globotriaosylceramide by recombinant human lysosomal α -galactosidase in a detergent-free liposomal system," (1996) <i>FEBS Lett.</i> 393:74-76.
*C5	Kretz, Keith A. et al., "Characterization of a mutation in a family with saposin B deficiency: A glycosylation site defect," (1990) <i>Proc. Nat'l Acad. Sci. USA</i> , 87:2541-2544.
*C6	Lamontagne, Sonia et al., "Modulation of Human Saposin B Sphingolipid-binding Specificity by Alternative Splicing," (1994) <i>Biol. Chem.</i> , 269:20528-20532.
*C7	Sano, Akira et al., "Sphingolipid Hydrolase Activator Proteins and Their Precursors," (1989) <i>Biochem. Biophys. Res. Commun.</i> , 165:1191-1197. Duplicate citation
*C8	Zetter, Bruce R., "Angiogenesis And Tumor Metastasis," (1998) <i>Annu. Rev. Med.</i> 49:407-24.

Anne L. Sullivan

5/17/04

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).